No. 2010R01488 CR11 00596 EJD

PSG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed
AUG 2 6 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

vs.

MARIA HERNANDEZ aka "STELLA" and

ADRIAN GAMINO

INDICTMENT

Count One: 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine

Count Two: 21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute and Distribution of Methamphetamine

A true bill.

Mary Elizabeth Sladek
Foreperson

Filed in open court this 24th ***day of*** August

A.D. 2011

pres [signature]
UNITED STATES MAGISTRATE JUDGE

Bail. $ No bail, arrest warrant

DOCUMENT NO. 1
CSA's INITIALS e
DISTRICT COURT
CRIMINAL CASE PROCESSING

MELINDA HAAG (CABN 132612)
United States Attorney

Filed
AUG 2 6 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

SEALED BY ORDER OF THE COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EJD

PSG

UNITED STATES OF AMERICA, Plaintiff, v. MARIA HERNANDEZ a/k/a"STELLA" and ADRIAN GAMINO, Defendants.	CR 11 No. 00596 VIOLATIONS: 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine; 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of Methamphetamine;18 U.S.C.§ 2 -- Aiding and Abetting; SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 846)

Beginning on a date unknown to the Grand Jury but no later than on or about April 21, 2011, in the Northern District of California, and elsewhere, the defendants,

MARIA HERNANDEZ
a/k/a "STELLA"and
ADRIAN GAMINO,

did knowingly and intentionally conspire to possess with intent to distribute, and to distribute, a Schedule II controlled substance, to wit: 5 grams or more of methamphetamine, its salts, isomers,

//

and salts of its isomers, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B)(viii).

COUNT TWO: (21 U.S.C. § 841(a)(1))

On or about April 21, 2011 in the Northern District of California, the defendants,

MARIA HERNANDEZ
a/k/a "STELLA"and
ADRIAN GAMINO,

each aided and abetted by the other, did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled substance, to wit: 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii)) and Title 18, United States Code, Section 2.

DATED: August 24, 2011

A TRUE BILL.

Mary Elizabeth Sladek
FOREPERSON

MELINDA HAAG
United States Attorney

JEFF NEDROW
San Jose Branch Chief

(Approved as to form: ______)
AUSA O'CONNELL

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☑ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location: NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

SEE ATTACHMENT

☐ Petty ☐ Minor ☐ Misde-meanor ☑ Felony

PENALTY:
SEE ATTACHMENT

Filed
AUG 2 6 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

SEALED BY ORDER OF THE COURT

DEFENDANT - U.S.

MARIA HERNANDEZ aka "STELLA" EJD

DISTRICT COURT NUMBER

CR11 00596 SG

PROCEEDING

Name of Complaintant Agency, or Person (&Title, if any)
ATF

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of: ☐ U.S. Att'y ☐ Defense — SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under — MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM: MELINDA HAAG

☑ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): THOMAS M. O'CONNELL

DEFENDANT

IS NOT IN CUSTODY

1) ☑ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other charges

} ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☑ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time:

Before Judge:

Comments:

A1

ATTACHMENT TO PENALTY SHEETS

U.S.
v.
MARIA HERNANDEZ aka "STELLA"
and ADRIAN GAMINO

Count One: 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine (all)

i	Imprisonment:	5 years mandatory minimum 40 years maximum
ii.	Fine:	maximum $ 5,000,000
iii.	Supervised release:	mandatory minimum 4-year release life maximum
iv.	Special assessment:	$100

If 21 U.S.C. § 851 Information alleging one prior felony narcotics conviction FILED:

i	Imprisonment:	10 years mandatory minimum life imprisonment maximum
ii.	Fine:	maximum $ 5,000,000
iii.	Supervised release:	mandatory minimum 8-year release life maximum
iv.	Special assessment:	$100

Counts Two: 21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)(viii) - Possession with Intent to Distribute and Distribution of Methamphetamine (all)

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AO 257 (Rev. 6/78)

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

PENALTY:
SEE ATTACHMENT

SEALED BY ORDER OF THE COURT

DEFENDANT - U.S.

ADRIAN GAMINO

DISTRICT COURT NUMBER EJD

CR11 00596 PSG

PROCEEDING

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SHOW DOCKET NO.

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MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

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☑ U.S. Att'y ☐ Other U.S. Agency

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IS IN CUSTODY

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Defendant Address:

Date/Time:

Before Judge:

Comments:

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If 21 U.S.C. § 851 Information alleging one prior felony narcotics conviction FILED:

A2

i	Imprisonment:	10 years mandatory minimum life imprisonment maximum
ii.	Fine:	maximum $ 5,000,000
iii.	Supervised release:	mandatory minimum 8-year release life maximum
iv.	Special assessment:	$100